

Remarks***I. Sequence Listing***

The amendments and sequence listing do not introduce any new subject matter within the meaning of 35 U.S.C. §132. The submission, filed herewith in accordance with the relevant sections of 37 CFR 1.821, does not include new matter; and the content of the attached paper copy and the attached computer readable copy of the Sequence Listing are the same. Therefore, entry of the amendments is respectfully requested.

II. Preliminary Amendment filed on July 28, 2006

The 371 Formalities Letter indicates that claims 40-65 of the Preliminary Amendment filed concurrently with the present application on July 28, 2006 has not been entered because the Preliminary Amendment was not received.

Applicants respectfully submit, that as evidenced by true and accurate copies of each of the Stamped Filing Receipt, the Stamped Return Postcard and the Preliminary Amendment with Attachment A submitted herewith, the Preliminary Amendment with Attachment A was in fact filed **and received** by the United States Patent and Trademark Office on July 28, 2006. Accordingly, Applicants request immediate entry of the Preliminary Amendment as of its filing date of July 28, 2006.

According to MPEP § 503, "The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." See MPEP § 503.

It is submitted that both the Stamped Filing Receipt and a Stamped Return Postcard submitted herewith serve as *prima facie* evidence that the Applicants filed, and the USPTO received claims 40-65 of Preliminary Amendment on July 28, 2006. Accordingly, entry of claims 40-65 is respectfully requested for immediate examination on the merits.

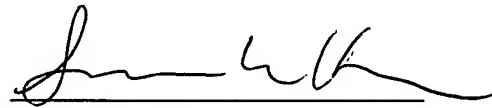
CONCLUSION

In view of the foregoing, examination on the merits is respectfully requested. The Examiner is invited to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

THE NATH LAW GROUP



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Date: May ~~23~~ 2007
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MAIL STOP - PCT
Attorney Docket No.: 27550U
Date: July 28, 2006

**POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER
REQUEST**

In re Application of:

HOCHMAN, Jacob

Application No.: Not Yet Assigned

Filed: July 28, 2006

Intl. Application No.: PCT/IL2005/030105

Intl. Filing Date: January 27, 2005

Title: **METHOD FOR DIAGNOSING AND TREATMENT OF BREAST CANCER
AND PHARMACEUTICALS COMPOSITION AND KIT FOR SAME**

10/587835

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- 1) Transmittal Letter;
- 2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- 3) International Publication Number: WO 2005/073728 A1, with the PCT/ISA/210 (International Search Report); International Publication Date: August 11, 2005; which consists of 38 pages:
 - 1 page for the Cover Sheet,
 - 26 pages of Textual Specification,
 - 4 pages of 39 Claims,
 - 4 sheet of Drawings, and
 - 3 pages of Sequence Listing;
- 4) Preliminary Amendment, which consists of:
 - Attachment A, to be EXAMINED;
- 5) Unexecuted Declaration and Power of Attorney;
- 6) Check No.: 2548 in the Amount of \$1,000.00 for the Basic Filing Fee, which includes the Search and Examination Fees (\$450), for 6 Claims over 20 (\$150), and for 4 Independent Claims over 3 (\$400), as a Small Entity.

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SM/VA

IAP15 Rec'd PCT/PTO 28 JUL 2006



MAIL STOP - PCT
Attorney Docket: 27550U
Date: July 28, 2006
Attorney: GMN / SMH

FILING RECEIPT



In re Application of:

HOCHMAN, Jacob

Application No.: Not Yet Assigned

Filed: July 28, 2006

Intl. Application No.: PCT/IL2005/000105

Intl. Filing Date: January 28, 2005

Title: METHOD FOR DIAGNOSING AND TREATMENT OF BREAST CANCER AND
PHARMACEUTICALS COMPOSITION AND KIT FOR SAME

THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:

- 1) Transmittal Letter;
- 2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- 3) International Publication Number: WO 2005/073728 A1, with the PCT/ISA/210 (International Search Report); International Publication Date: August 11, 2005; which consists of 38 pages:
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 - 3 pages of Sequence Listing;
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 - Attachment A, to be EXAMINED;
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- 6) Check No.: 2548 in the Amount of \$1,000.00 for the Basic Filing Fee, which includes the Search and Examination Fees (\$450), for 6 Claims over 20 (\$150), and for 4 Independent Claims over 3 (\$400), as a Small Entity;
- 7) Postcard for Early Notification of the Serial Number Request.

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- File Check -

Prepared By:

Approved By: 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HOCHMAN, Jacob

International Application No. PCT/IL2005/000105

Serial No. NOT YET ASSIGNED

International Filing Date: 27 January 2005 (27.01.2005)

Filed: July 28, 2006

For: METHOD FOR DIAGNOSING AND TREATMENT OF BREAST CANCER AND
PHARMACEUTICALS COMPOSITION AND KIT FOR SAME

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examining on the merits for the national phase application filed herewith under U.S.C 371, please enter the following amendments in the captioned application:

IN THE CLAIMS:

Please amend claims by canceling claims 1-39 and adding new claims 40-65 of the application filed herewith and as shown with mark-ups on attachment A.

MAIL STOP PCT
Attorney Docket No. 27550U
Preliminary Amendment

REMARKS

The above amendments have been made to remove multiple dependencies to the claims and conform them to U.S. practice.

No new matter has been added.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By: 

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